

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIM WOOD,)	
)	
Plaintiff)	
)	
v.)	Civil Action
)	No. 12-cv-05657
CAROLYN W. COLVIN ¹ ,)	
Acting Commissioner of the)	
Social Security Administration)	
)	
Defendant)	
)	
SOCIAL SECURITY ADMINISTRATION)	
)	
Interested Party)	

O R D E R

NOW, this 15th day of November, 2013, upon
consideration of the following documents:

- (1) Decision of Administrative Law Judge Linda M. Bernstein dated March 17, 2011;
- (2) Complaint filed October 16, 2012;
- (3) Answer filed December 18, 2012;
- (4) Plaintiff's Motion for Summary Judgment or, in the Alternative, Plaintiff's Motion for Remand, which motion for summary judgment and alternative motion for remand was filed January 30, 2013, together with

¹ Carolyn W. Colvin became Acting Commissioner of the Social Security Administration on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted as the defendant in this suit for the former Commissioner, Michael J. Astrue, whom she replaced. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

- (A) Plaintiff's Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment;
- (5) Defendant's Response to Request for Review by Plaintiff, which response was filed February 14, 2013;
- (6) Plaintiff's Reply Brief filed February 22, 2013; and
- (7) Report and Recommendation of United States Magistrate Judge Timothy R. Rice filed March 25, 2013;

it appearing that neither party filed objections to Magistrate Judge Rice's Report and Recommendation; it further appearing that Magistrate Judge Rice's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Magistrate Judge Rice's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is granted.²

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiff Kim Wood and against defendant Carolyn W. Colvin, Commissioner of the Social Security Administration.

² Pursuant to paragraph 3 of the Procedural Order for Social Security Review, plaintiff is required to file and serve "Plaintiff's Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment", which plaintiff did on January 30, 2013. I consider paragraph 1 of plaintiff's Complaint in which she "seeks judicial review pursuant to 42.U.S.C. [§] 405(g) of an adverse decision of the Commissioner of Social Security" to be a "Request for Review". plaintiff's motion for summary judgment filed January 30, 2013 is no longer a required or appropriate procedure in an action seeking review of a decision by the Commissioner of Social Security denying Plaintiff Supplemental Security Income benefits. Accordingly, I am disregarding it.

IT IS FURTHER ORDERED that the decision of the Commissioner dated November 16, 2009 and affirmed by the Appeals Council on March 17, 2011 which denied benefits to plaintiff Kim Wood is reversed.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g) this matter is remanded to the Commissioner for proceedings consistent with Magistrate Judge Rice's Report and Recommendation.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge